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Request for the inclusion of a supplementary item in the agenda of the fifty-sixth session

International convention against the reproductive cloning of human beings

Letter dated 7 August 2001 from the Chargés d'affaires a.i. of the Permanent Missions of France and Germany to the United Nations addressed to the Secretary-General

We have the honour to request, pursuant to rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fifty-sixth session of the General Assembly of a supplementary item entitled "International convention against the reproductive cloning of human beings".

In view of the multidisciplinary nature and legal complexities of the issue, we believe it would be appropriate to allocate the item to the Sixth Committee of the General Assembly.

Pursuant to rule 20 of the rules of procedure, this request is accompanied by an explanatory memorandum and a related draft resolution (see annexes I and II).

(*Signed*) Yves **Doutriaux**

(*Signed*) Hanns **Schumacher**

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Annex I to the letter dated 7 August 2001 from the Chargés d'affaires a.i. of the Permanent Missions of France and Germany to the United Nations addressed to the Secretary-General

Explanatory memorandum

Within the general issue of biotechnological advances which open up prospects as regards health and also give rise to new ethical issues, the announcement by certain laboratories and researchers that they intend to proceed in the near future with reproductive cloning of human beings poses a particularly serious problem in terms of human dignity and identity and calls for an urgent initiative. While it is true that, at present, only a small number of researchers or scientific institutions have the technical capacity to perform such operations, there is no doubt that such operations would have an impact on the entire human family. It should be recalled, in this connection, that article 11 of the Universal Declaration on the Human Genome and Human Rights drawn up by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and endorsed by the General Assembly in resolution 53/152 states that "Practices which are contrary to human dignity, such as reproductive cloning of human beings, shall not be permitted".

It is in answer to this challenge that France and Germany are proposing an initiative to engage, within the universal context of the United Nations, negotiations on an international legal instrument banning the reproductive cloning of human beings. These negotiations must be open to all States and to the participation of specialized agencies, in particular UNESCO and the World Health Organization (WHO). Moreover, such negotiations should benefit in due course, from the relevant work of the group of independent experts called for by the Commission on Human Rights[a] to reflect on the possible follow-up to the Universal Declaration on the Human Genome and Human Rights.

Because of its multidisciplinary nature the issue could not be dealt with in all its aspects in any of the specialized agencies (such as the Commission on Human Rights, UNESCO, WHO) and it therefore falls within the competence of the General Assembly. Within the General Assembly, it is the Sixth Committee which seems the most suited to conduct negotiations on elaborating a legally binding instrument which will, no doubt, pose complex legal and technical problems. The French-German initiative deliberately focuses on a specific aspect of a larger debate, in regard to which the necessary coherence should be maintained, regardless of the forum in which it is discussed.

In view of the complex nature of this subject, it would be preferable to take a two-step approach. Thus, it is suggested that the General Assembly adopt a resolution at its fifty-sixth session whereby it would decide to open negotiations on an international legal instrument banning the reproductive cloning of human beings and establishing, for this purpose, an open-ended ad hoc committee of the Sixth Committee responsible, initially, for defining a negotiation mandate and, subsequently, for conducting the negotiations. It is hoped that the draft mandate prepared by the ad hoc committee could be adopted by the General Assembly at its fifty-seventh session so that the negotiation of the future instrument could begin in 2003.

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[a] Commission resolution 2001/71 of 25 April 2001 (adopted by consensus), para. 4.

Annex II to the letter dated 7 August 2001 from the Chargés d'affaires a.i. of the Permanent Missions of France and Germany to the United Nations addressed to the Secretary-General

Draft resolution

International convention against the reproductive cloning of human beings

The General Assembly,

Recalling the Universal Declaration on the Human Genome and Human Rights, adopted in 1997 by the General Conference of the United Nations Educational, Scientific and Cultural Organization, and particularly its article 11, which specifies that "Practices (...) such as reproductive cloning of human beings shall not be permitted" and invites States and international organizations to cooperate in "taking, at national or international level, the measures necessary" in that regard,

Recalling also its resolution 53/152 of 9 December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,

Bearing in mind Commission on Human Rights resolution 2001/71, entitled "Human rights and bioethics", adopted at the Commission's fifty-seventh session,

Aware that the rapid development of the life sciences opens up tremendous prospects for the improvement of the health of individuals and mankind as a whole, but also that certain practices may pose dangers to the integrity and dignity of the individual,

Particularly concerned, in this regard, about recently disclosed information on the research being conducted with a view to the reproductive cloning of human beings,

Determined to prevent such an attack on the dignity of the individual,

Aware of the need for a multidisciplinary approach to the elaboration, by the international community, of an appropriate response to this problem,

1. *Decides* to establish, within the Sixth Committee, an ad hoc committee open to all States Members of the United Nations or of specialized agencies and to the specialized agencies of the United Nations system, particularly the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, for the purpose of elaborating an international convention banning the reproductive cloning of human beings;

2. *Requests* the ad hoc committee to prepare, to this end, a mandate for the negotiation of such an international convention, including, inter alia, a list of the existing international instruments to be taken into consideration and a list of legal issues to be addressed in the convention;

3. *Decides* that, during the fifty-sixth session of the General Assembly, the ad hoc committee shall hold two one-week sessions, with the understanding that the first session will open with an exchange of information and technical assessments, with the participation of experts on genetics and bioethics;

4. *Requests* the Secretary-General to provide the ad hoc committee with the resources it needs to discharge its responsibility;

5. *Also requests* the ad hoc committee to report to the General Assembly, at its fifty-seventh session, on its work in relation to the negotiation mandate;

6. *Decides* that the ad hoc committee shall open negotiations on the international convention as soon as the negotiation mandate has been adopted by the General Assembly;

7. *Decides* to include in the provisional agenda of its fifty-seventh session an item entitled "International convention against the reproductive cloning of human beings".